

REMARKS

Claims 1-5 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-5, drawn to an apparatus for selecting a desired transmission rate based on detecting a received power and an interference power feedback from a receiver, classified in class 370, subclass 347;

Group II, claims 6, drawn to an apparatus for selecting a desired transmission rate with switch means for turning on/off modulation, classified in class 370, subclass 347 and

Group III, claims 9, drawn to an apparatus for detecting a frequency band in a time slot based on the power of a desired wave that is greater than a sum of the interference power, classified in class 455, subclass 522.

Group IV, claims 10, drawn to an apparatus for detecting a frequency band in a slot based on the power of a desired wave that exceeds a predetermined value, classified in class 455, subclass 522.

Group V, claims 7-8, are rejected as independent or distinct species because they claim in initial details of a soft handoff method between mobile station and a plurality of base stations, classified in class 455, subclass 422.

For the purpose of examination of the present application, Applicants elect, without traverse, Group 1, Claims 1-5.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Registration No 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 9, 2007

Respectfully submitted,

By 

Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant